IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 26979 of 2007(J)

PETITIONER:

EDWARD JOHN.P., GOVT. CONTRACTOR,
VINEETH BHAVAN, MARIYAPURAM P.O.,
NEYYATTINKARA- VIA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

1. **STATE OF KERALA, REP.BY ITS SECRETARY TO GOVERNMENT, DEPT. OF PUBLIC WORKS, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE SUPERINTENDING ENGINEER, P.W.D. ROADS & BRIDGES, SOUTH CIRCLE, THIRUVANANTHAPURAM.**
3. **THE DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE & ANTI CORRUPTION BUREAU, POOJAPPURA, THIRUVANANTHAPURAM.**
4. **THE EXECUTIVE ENGINEER, P.W.D. ROADS DIVISION, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ANTONY DOMINIC,J.

W.P (C) No. 26979 of 2007

Dated this the Ist October, 2007

J U D G M E N T

In relation to a contract awarded to the petitioner for a road work, the Vigilance Department had booked a case as part of investigation and the relevant files were forwarded by the 4th respondent to the 3rd respondent under cover of Exhibit-P1. It is now revealed that after scrutiny of the files, 3rd respondent has forwarded these files to the 1st respondent. It is the specific contention of the petitioner that though investigation has been completed the 3rd respondent has not recommended to register any case against the petitioner or anybody else in relation to the work awarded to the petitioner. The present complaint of the petitioner is that inspite of all these files have not been returned by the Government and as a result of which petitioner is not in a position to execute the balance work or receive payment for the work already executed.

2. Learned Government Pleader on instruction also confirms that the files are available with the Additional Secretary to Government (Vigilance Department).

3. In view of the specific contention of the petitioner that the Vigilance Department has not recommended to book any case in relation to the work awarded to him, if the said contention is correct, there is no reason for the delay in returning the file which has resulted in delay in execution of work also.

4. Therefore, I dispose of this writ petition directing the Additional Chief Secretary (Vigilance Department) to examine this matter and if the files are not required for any further investigation or case, return the same to the 4th respondent Executive Engineer. It is clarified that if the files are required in relation to any case booked by the Vigilance Department, this order will not stand in the way of retaining the same. The aforesaid direction shall be complied, within one month from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the Additional Chief Secretary (Vigilance), for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007